



## Maryland Association of Community Services 2008 Legislative Wrap-Up Report

The 2008 legislative session of the Maryland General Assembly was heavily focused on the budget crisis Maryland faces. On the heels of a difficult special session to address revenue shortfalls, MACS members, along with most health and human service providers, faced challenging circumstances in advocating for the critical needs of people who receive supports.

Below is a summary of key budget and legislative issues from the 2008 session affecting MACS members.

### **COLA / INFLATIONARY INCREASE**

Governor O'Malley introduced a budget for FY '09 that included a 1.5% inflationary increase for DDA-licensed providers, even though the Community Services Reimbursement Rate Commission recommended a 4% increase. With the hard work of MACS and its members, key legislators advocated for a larger increase, resulting in an increase of an additional 1.5% from lottery over-attainment funds. The potential 3% increase will be implemented as long as the state lottery reaches the over-attainment level of \$13m, as expected by the Senate.

On the legislative front, HB 210 / SB 242 - Department of Health and Mental Hygiene - Developmental Disabilities and Mental Health Services - Cost-of-Living Adjustment, unfortunately did not pass due to a large fiscal note. This legislation would have removed the existing language that makes the COLA for DD and mental health services "subject to the limitations of the state budget". MACS will continue to work to address the need for an appropriate and reliable funding system, with reasonable increases that reflect growing costs and mandates.

### **COMMUNITY SERVICES REIMBURSEMENT RATE COMMISSION**

Governor O'Malley de-funded the Community Services Reimbursement Rate Commission (CSRRC) in his FY 09 budget, with the intent that the CSRRC would cease to exist. The CSRRC plays an important role in reviewing the financial viability of both the developmental disability and mental health service systems, and in making recommendations to the Governor regarding annual rate increases.

MACS, in tandem with colleagues in the mental health field, worked hard to pass HB 1059 / SB 305, the legislation that would continue the CSRRC in law, and to obtain a commitment from the Administration to continue to fund the CSRRC. While there was some scaling-back of the scope of work of the Commission, the most important components of their work will continue.

## **CERTIFIED MEDICATION TECHNICIANS**

With the passage of HB 269 - State Board of Nursing - Powers and Duties - Licensing, Certification, and Regulation, certified medication technicians (CMTs) will have up to 90 days from completion of their training program to practice as a CMT without certification by the Board of Nursing.

## **EMPLOYMENT ISSUES**

Two pieces of legislation passed this session that broaden state procurement preferences beyond sheltered workshops. HB 805 / SB 368 - Procurement - Preferences - Employment Works Program, changes the state procurement preference for purchasing of goods by replacing "sheltered workshops" with "community service providers" that are DORS-accredited for participation in the Employment Works Program.

HB 881 / SB 612 - Procurement - Preference Procurement Program for Sheltered Workshops - Individual with Disability Owned Businesses, adds a new category of businesses owned by individuals with disabilities to the list of preferred providers for state procurement.

## **ROSEWOOD CENTER**

With the announced closure of the Rosewood Center, the largest state residential center for people with developmental disabilities, several pieces of related legislation were introduced this session.

HB 785 would have required that any land made available as a result of the closure of Rosewood become part of the State park system. SB 703 would have created a Commission to study the land use at Rosewood, and would have included a broad array of stakeholders. Lastly, HB 1234 would have required DHMH to hire a consultant to study various issues related to SRCs, including training needs of SRC staff. All three bills failed.

## **DHMH REORGANIZATION**

With the passage of HB 450 - Department of Health and Mental Hygiene - Behavioral Health - a new Deputy Secretary position within DHMH was created. The new position, Deputy Secretary for Behavioral Health and Disabilities, will provide oversight and coordination between three administrations - the Developmental Disabilities Administration, the Mental Hygiene Administration, and the Alcohol and Drug Abuse Administration.

## **EMPLOYEE LEAVE**

HB 40 / SB 344 - Flexible Leave Act passed, requiring employers with more than 15 employees to allow their employees to use leave with pay (including sick, vacation and compensatory) to care for a child, spouse or parent.

## CHILD RESIDENTIAL PROGRAMS

Several pieces of legislation were introduced this year that affected child residential programs.

SB 742 - Human Services - Residential Child Care Program - Bill of Rights passed, requiring that all child residential providers post a "bill of rights", and provide residents with a handbook of certain policies.

SB 783 -Certification of Residential Child Care Professionals, will require direct support staff in child residential programs to be certified by the State Board of Residential Child Care Professionals. Programs licensed by the Developmental Disabilities Administration were amended out of the requirement for certification of direct support staff (however administrators still need to be certified).

SB 782 - Residential Child Care Programs - Statement of Need, passed, requiring DHR and DJS-licensed providers to obtain a statement of need in order to develop, relocate, or physically expand a child residential program.